



IN THE UNITED STATES DISTRICT COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

LISA BLACK,

Plaintiff,

vs.

JIM BREWER, CNMI Public School
System and JOHN AND/OR JANE DOE,

Defendants.

Civil Action No. 05-0038

DEPOSITION

OF

MS. LISA BLACK

Taken at the
Office of the Attorney General &
Public School System Central Office
Saipan, MP 96950

AUGUST 7 & 8, 2006

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Pursuant to the Notice of Deposition on the 7th day of August, 2006 personally
appeared:

MS. BLACK

Who was sworn to tell the truth and was thereupon examined as a witness
in said cause.

1 the password?

2 A: I believe Happy wrote me a note about the key. I don't
3 remember about the password.

4 Q: Okay. Do you recall getting any kind of letter of
5 discipline, letter of reprimand from Ms. Taman while
6 you were employed at Koblerville Elementary School?

7 A: No.

8 Q: Are you saying you didn't get it or you simply don't
9 recall?

10 A: I believe again your question was do you recall.

11 Q: Right. And now I'm asking did you get one. Are you
12 saying you didn't ---- you don't ---- you didn't get
13 one?

14 A: I'm saying I don't recall.

15 Q: You simply don't know.

16 A: To my knowledge, no, I did not get any.

17 Q: Okay. Did you request leave from Ms. Taman to go on a
18 sail trip?

19 A: Yes.

20 Q: Okay. And can you tell me about the circumstances
21 regarding that?

22 A: I was asked to sail in the world championships for the
23 [INAUDIBLE] in New Caledonia. And I requested leave
24 from Ms. Taman so that I could do that.

1 Q: And what did she tell you?

2 A: She wanted more specific information.

3 Q: And what more specific information did she want?

4 A: She wanted to know when, she wanted the websites, she
5 wanted a contact of the commodore here to verify that.

6 Q: Did you give her that information?

7 A: I gave her all of the information, yes.

8 Q: Okay. Did she request that you complete any
9 assignments or anything like that before you go?

10 A: She ---- no.

11 Q: Okay. What was the practice if you were take leave and
12 you were granted leave while at the school? Would you
13 have to leave lesson plans ----

14 A: Yes.

15 Q: ---- for a substitute teacher when you left?

16 A: Yes. The previous question you said, did she ask me to
17 leave things before I go, she asked me not to go.

18 Q: And what was your response?

19 A: I did not understand why because she was asking me
20 specific questions. For example, she said, I want
21 proof that you are doing this. And so I gave her the
22 website and my ---- I was enrolled and my name was on
23 the website. She called the commodore and asked for
24 verification that I had been asked to sail, and the

1 commodore spoke with her and said, yes, she ---- she is
2 scheduled to sail. She will be representing the CNMI
3 and so on.

4 Q: Okay.

5 A: And then given that, she denied my request.

6 Q: She denied your request?

7 A: Yes.

8 Q: Did she say why she denied your request?

9 A: She said she didn't believe that I was going to do it.

10 Q: Had you taken leave earlier that school year? Did you
11 miss school for personal reasons over at the school,
12 other than being sick?

13 A: Personal reasons?

14 Q: Any reason.

15 A: Yes, I believe so.

16 Q: And how many days did you miss school?

17 A: I don't know.

18 Q: For what purpose did you miss school?

19 A: I went to a job fair in the United States.

20 Q: Do you recall around what month that was?

21 A: I believe February, possibly at the beginning of March.

22 Q: And around what month was this sailing race?

23 A: I believe April, but I'm not sure.

24 Q: And when she denied your request, did you go anyway?

1 A: My opinion was that she had some very good and valid
2 points that I agreed with, but there were points that I
3 disagreed with. And I disagreed with the methods that
4 she was using to turning it in.

5 Q: In particular, what method did you disagree with?

6 A: She wanted to take it directly up to PSS, and I believe
7 that it was important to follow the channels which
8 would be to go to Mr. Brewer first.

9 Q: And what did she say to that? Did you tell her you
10 disagreed with her?

11 A: Yes.

12 Q: Okay. And what did she say to that?

13 A: She said, you know he won't do anything about it. And
14 I said, yes, I believe you're 99% accurate, but that's
15 not the point.

16 Q: Okay. And when Mr. Brewer first spoke to you about you
17 writing it and he asked you why you had written it, you
18 denied being involved, is that correct?

19 A: No, I stated that he thought I had wrote it and I
20 explained to him that I didn't write it, and I hadn't
21 even signed it, and he told me, yeah, I wondering about
22 that. That was the first thing I looked for when I got
23 a copy of the signatories.

24 Q: What was the first thing he looked for?

1 Q: And you're positive that you were in your classroom at
2 the time that you were suppose to be providing
3 substitute teaching coverage?

4 A: Yes, during the specific period we're talking about.

5 Q: And how do you know that?

6 A: How do I know?

7 Q: What makes you remember that?

8 A: Because when it was brought up in the complaint, then
9 they said they ---- Mr. Brewer said I had left campus
10 and I hadn't left campus, I was in the classroom
11 grading exams, and I also remember because of the fact
12 that as soon as I finished grading the exams in my
13 classroom, I went directly to Ms. Manahane's class to
14 give the students their grades because they wanted them
15 by the end of the day.

16 Q: Okay. That was the same day?

17 A: That was the same day, yes.

18 Q: Okay. And do you get ---- do you get bulletins as part
19 of ---- in your ---- I guess, in your box, school
20 bulletins?

21 A: Typically, yes.

22 Q: Okay. How frequent are those bulletins?

23 A: Infrequent, initially they were, I believe, once a week
24 and then often times they wouldn't come out on ----

1 Q: So the co-hard teams decided who gets to go?

2 A: If there was more than one individual, that they had to
3 work it out themselves.

4 Q: Okay. And who got to go as part of your team?

5 A: As part of mine, at our co-hard meeting, nobody was
6 going to be leaving early, so we were all happy because
7 we knew we would have our prep time instead of having
8 to substitute. And ---- and then apparently, they put
9 out a schedule. Mr. Brewer wasn't there before break,
10 he took off the time before break ---- a week before
11 break, so apparently, Ms. Nepaial put out a schedule.
12 And I say apparently because I wasn't aware of it until
13 after the fact that a schedule was put out where we
14 were suppose to cover somebody else's co-hard team.

15 Q: Okay. And how was the schedule been put out? How was
16 the schedule put out?

17 A: They put a schedule in teacher's mailboxes.

18 Q: Okay. And did you get a schedule in your mailbox?

19 A: I did.

20 Q: And what did you do with the schedule?

21 A: I put it with all my other papers and put it in my
22 classroom.

23 Q: Was your name on that schedule?

24 A: I didn't know because I didn't look at it. Once I saw

1 in my class. Did you say anything else to Sam?

2 A: I don't remember the exact words, but I ---- I said, I
3 had ---- I had your class this morning and you didn't
4 come in, and he said, no, he said, my mom ---- I said,
5 were you at home, are you sick, are you okay, and he
6 said, oh yeah, I'm fine. He said, my mom didn't have
7 me go to your class. And I asked him if he knew why,
8 and he said, no, and I said, oh, I said, you're not
9 afraid of me, are you, Sam. He laughed and he said,
10 no, of course not. And so I don't know what the issue
11 was.

12 Q: Did you ask what ---- did you say anything about his
13 mom being afraid of you or not wanting you to ---- him
14 to be in your class?

15 A: I said something about ---- after I said, you're not
16 afraid of me or anything, right, Sam, and he said, no.
17 and I said, your mom wasn't afraid to send you to me,
18 will she, and he was like, oh, no.

19 Q: And when you said this, were there all the students
20 around?

21 A: The class was all standing around, yes.

22 Q: So you didn't have him over the side and talking to
23 him?

24 A: No.

1 interruptions, that there were grades that ---- or
2 paper work that was demanded of you and your name was
3 put in the bulletin where as other teachers were,
4 specif ---- I guess, other teachers were not asked of
5 the same paper work, is that what you're saying?

6 A: Yes.

7 Q: Okay. Anything else?

8 A: [INAUDIBLE].

9 Q: Okay. And when you were told not to interrupt
10 instructional time, you were told not to interrupt
11 instructional time for personal reasons, is that
12 correct?

13 A: Yeah.

14 MR. DEMOUX: Let's go off record.

15 MS. KENNEDY: Sure.

16 [OFF THE RECORD]

17 Q: Do you recall having a conversation with Mr. Brewer
18 after you interrupted class time of Ms. Greyer?

19 A: Yes.

20 Q: Okay. And do you recall having a discussion about
21 interruption of instructional time at that point?

22 A: Yes.

23 Q: And do you remember then telling you that he ---- were
24 you discussing instruction ---- sorry. Let's start my

1 happened during that meeting?

2 A: Which meeting?

3 Q: The meeting you had with Mr. Brewer after you had
4 interrupted Ms. Greyer's class?

5 A: Yes.

6 Q: And do you recall that Mr. Brewer asked you ----
7 whether he instructed you not to interrupt class time?

8 A: Yes.

9 Q: Okay. Do you recall him asking whether you interrupted
10 class even though he told you not to do so?

11 A: Yes.

12 Q: And what did you say when he asked you that? Just ----
13 just ---- did you remember what you said when he asked?

14 A: Would you repeat the question, please?

15 Q: When he asked you, did you interrupt at class time
16 despite my telling you not to do so, what did you say?

17 A: Yes.

18 Q: Okay. Getting back to the favoured teachers. Can you
19 identify who these favoured teachers were? You told me
20 about someone of the egregious actions. Who are the
21 favoured teachers?

22 A: I don't understand the situation that you've asked me.

23 Q: Okay. Again, this sentence in your interrogatories are
24 actions taken and perceived to have been taken by

1 complaints.

2 Q: Okay. And what was your response?

3 A: The class that I was teaching was ---- was strong teams
4 and life skills and we were talking in that particular
5 unit about comfortable versus uncomfortable, and that
6 was a part of that.

7 Q: So as part of that, you would flick the student's ears?

8 A: There were several different things that we would do.
9 Many of the students were uncomfortable coming up to
10 the front of the class. We would work through that.
11 Some of the students, I might go up and touch their
12 head and I would say, is it all right to do that, you
13 know, are comfortable or uncomfortable. And part of
14 that was flicking their ear as well.

15 Q: Okay. So can you show me what you did to the students
16 with your own ear?

17 A: Just like that.

18 Q: Okay. As far as pushing their head.

19 A: Sometimes if the student was being silly or goofy and I
20 look at them and they'd look at me and we kind of laugh
21 at each other, and then I'd go like that with their
22 head and kind of push it.

23 Q: When you were ---- when you were having, I guess, this
24 comfort level discussion with the students, it was just

1 why you went to the human resources office.

2 A: Any time there's a change in salary or a change in your
3 status, they have a paper, set of papers, that they
4 send through the system. And I, usually, receive a
5 copy, and I have not received a copy of my letter of
6 separation from Hopwood I was asking about.

7 Q: And what was their response to you?

8 A: Their response was that they didn't have it. They
9 forgot [INAUDIBLE].

10 Q: Did they say anything to you at that point about
11 processing a transfer to Marianas High School?

12 A: Yes.

13 Q: Okay. And what did they say?

14 A: They said that they were going to be changing the
15 letter or the document because they had been told that
16 I was going to be working at Marianas High School.

17 Q: And what did you say?

18 A: I asked them how that worked, and, if I was to receive
19 the letter of separation, I would like to copy of it,
20 and I was confused because my understanding was it
21 wasn't to transfer. It was a re-hire.

22 Q: When they asked you about the transfer, did you tell
23 them that you didn't want to transfer, you just wanted
24 your notice of personnel action?

A: Yes, I believe, I just said that I wanted a copy of the separation paper, and then they explained to me when I asked them why is it being considered a transfer, and they said, that's how they always do it.

Q: My question is when they said to you ---- let me stop and rewind that question.

[OFF THE RECORD]

Q: I'm going to repeat my question to you. When they said to you that there were a tran ---- they were processing a transfer to MHS, did you ---- didn't you say, "I don't want to transfer. I want my personnel action."?

A: Yes. I don't know if those were my specific words, but I said something to that. To that result, I wanted a copy of the letter of separation.

Q: And that you didn't want to transfer?

A: No.

Q: And do you recall to ask about that conversations?

A: Yes. At that time, I said to them, as I have mentioned before that I didn't understand why, and they're saying, we're doing a transfer, and then they explained to me that that's what they always do. I said, "That's fine. Then, just do what you always do."

Q: Do you remember saying, "Pretend I'm not here. I wasn't here. I'm going to leave."?